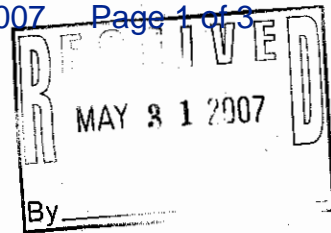


PROB 12B  
(12/98)



**United States District Court**

for

**District of Southern Ohio**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: **Michael Jay Green**

Case Number: **1:02CR00144**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Diott  
United States District Judge**

Date of Original Sentence: **April 18, 2003**

Original Offense: **Felon in Possession of a Firearm, in violation of 18 USC §§ 922(g)(1) and 924(a)(2),  
a class C felony.**

Original Sentence: **37 months BOP confinement, 3 years supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **November 28, 2005**

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for years, for a total term of years.  
☒ To modify the conditions of supervision as follows:

**The supervised releasee shall complete three months of home confinement with electronic monitoring. The supervised releasee shall comply with the conditions of home confinement and electronic monitoring adopted by the Southern District of Ohio. Further, the supervised releasee shall remain at his place of residence except for employment, treatment, or other activities approved in advance by the probation officer, and may be required to wear an electronic device. The fees of the electronic monitoring services may be waived based on the probation officer's evaluation of the supervised releasee's financial condition.**

**CAUSE**

On February 27 and April 11, 2007, this officer sent reports of violation behavior to the Court reporting new criminal conduct and non-reporting in the first report and new criminal conduct in the second report. In both reports, this officer recommended no action be taken until the cases were prosecuted. The Court agreed with both recommendations.

Since then, all of the cases have been prosecuted. In the first report, Green was arrested for a Driving Under Suspension, a traffic signal violation, a seat belt violation, and in a separate incident Possession of Marijuana. Green was convicted of Driving Under Suspension with the traffic citation being dismissed. In the Possession of Marijuana case, the charge was amended to Disorderly Conduct, which is the charge to which Green pled guilty. In reviewing the conduct in this case, the

facts are the marijuana was found on the ground, so it was very difficult to establish if Green actually possessed any marijuana. Therefore, the charge was amended to Disorderly Conduct. Green was sentenced to 60 days on the Driving Under Suspension and the Disorderly Conduct convictions, and actually served 54 days confinement.


In the second report, Green was arrested on charges of Criminal Damaging and Assault. Both charges were dismissed. Green completely contested the version presented in the complaint and by his girlfriend.

Green, as previously reported, did not report as required for the months of December 2006, January and February 2007, and admitted to marijuana usage during the period of non-reporting. He also missed several drug tests during the same period of time. This officer discussed the violations with Green at length, including the possible sanctions. This officer discussed an electronic monitoring sanction with him for a period of approximately 150 days, but giving him credit for the 54 days he spent in jail towards that time. As a result, this officer proposed a 90 day period of electronic monitoring to him, and fully explained to him his rights to consult with counsel and to a modification hearing represented by an attorney. Green stated he understood his rights completely, and wished to waive those rights because he was in agreement with the proposed modification.

Based on the violation behavior, his acceptance of responsibility, and his agreement with modifications, this officer is respectfully recommending the Court grant the modifications as stated. Please find the signed waiver form attached to this petition.

Respectfully submitted,

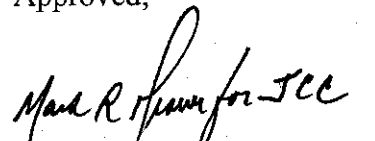
by

  
Robert C. Frommeyer Jr.  
Senior U. S. Probation Officer

Date May 30, 2007

Approved,

by

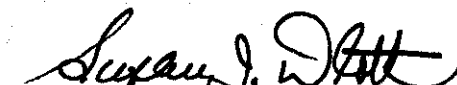
  
John Cole  
Supervising U. S. Probation  
Officer  
Date:

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THE COURT ORDERS:

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

  
Signature of Judicial Officer  
June 1, 2007  
Date

PROB 49

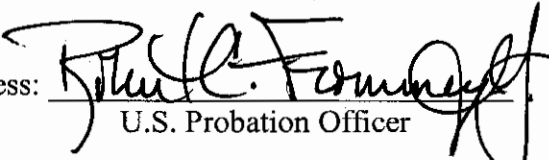
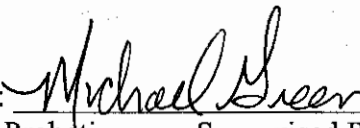
**UNITED STATES DISTRICT COURT  
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

**The supervised releasee shall complete 90 days of home confinement with electronic monitoring. The supervised releasee shall comply with the conditions of home confinement and electronic monitoring adopted by the Southern District of Ohio. Further, the supervised releasee shall remain at his place of residence except for employment, treatment, or other activities approved in advance by the probation officer, and may be required to wear an electronic device. The fees of the electronic monitoring services may be waived based on the probation officer's evaluation of the supervised releasee's financial condition.**

Witness:  Signed:   
U.S. Probation Officer Probationer or Supervised Releasee

May 29, 2007  
DATE